

Proposal for October 2018 Atlantic Large Whale Take Reduction Team Meeting
to Modify the *Atlantic Large Whale Take Reduction Plan*
to Reduce Serious Injury and Mortality from Entanglement
of Right Whales, Fin Whales, and Humpback Whales
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Provide a short overview of the proposal.

1. Overview:

- Identify current seasonal habitats of N.A. right whales in US waters.
- Place a full cap on all vertical lines in permitted US fisheries and require VTR from and VMS (and/or AIS) on all fisheries using vertical line, and use these data to work toward a quantifiable 50% reduction in vertical line within 5 years.
- Increase the fisheries considered under the TRP, including those impacting humpback whales.
- Increase the robustness of gear markings in all fixed-gear fisheries and increase efforts to identify gear removed from whales, including working with DFO gear specialists to re-review all gear removed from large whales which has yet to be identified to a fishery.
- Investigate the feasibility of fishing without vertical lines in trap/pot gear fisheries.
- Improve monitoring and enforcement of current regulatory measures.

A. How will the changes you propose reduce injury and mortality to large whales?

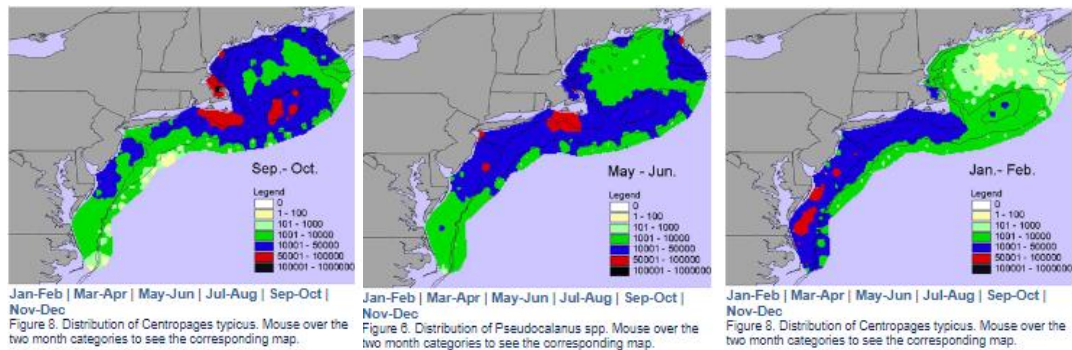
Our proposal will provide the necessary data to determine where and what fisheries should be considered for additional risk reduction efforts.

B. How did you make that determination?

- Identify current seasonal habitats of N.A. right whales in US waters.

Since 2010, right whales have shifted their habitat use, likely in response to changes in climate/prey availability. Opportunistic sightings and stranding data suggest that the waters south of Nantucket and Martha's Vineyard are increasingly important, including during the summer months. Few whales were sighted in the previously-known calving area during the most recent calving season (2018). Therefore, historic data on which management decisions have been made no longer provide adequate protections for right whales.

[Pendleton et al. 2009](#) determined that concentrations of copepods (specifically *Calanus*, *Centropages* and *Pseudocalanus*) were predictors of right whale distribution. [NOAA's zooplankton data](#), along with limited survey ([Kraus et al. 2016](#)) and stranding data ([Asaro 2017](#)), suggest that the waters south of Cape Cod are increasingly important.



For example, as noted in these maps, high concentrations of *Pseudocalanus* were predicted south of Cape Cod in May through June, while *Centropages* were expected to be dense in the area between September and October. It is also worth considering that the [DMA](#) established in January off Virginia may be related to the predicted concentrations of *Centropages* in the region during January and February. We therefore suggest NMFS conduct regular visual and acoustical surveys along the US east coast in all months of the year to evaluate right whale habitat use and whether current management practices are most protective, both temporally and spatially, for the species. We ask NMFS to consider the need for visual surveys to be flown more frequently than once a month as evidenced by rapid changes in detections in Cape Cod Bay. For example, while only 13 right whales were detected during a survey flown in Cape Cod Bay on February 13th, 2018, 65 right whales were observed only 11 days later on February 24th.

- Place a full cap on all vertical lines in permitted US fisheries and require VTR from and VMS (and/or AIS) on all fisheries using vertical line, and use these data to work toward a quantifiable 50% reduction in vertical line within 5 years.

While much focus has been put on the lobster fishery to reduce vertical line, we believe it is inappropriate for NMFS to require a reduction in vertical line use in lobster fishing while issuing permits for other fisheries in which vertical line risk exists. For example, we believe the decision by NMFS to allow an [additional 50 gillnets set](#) in the Gulf of Maine unnecessarily increased risk of entanglement by allowing additional vertical lines. Both humpbacks and NA right whales are known to become entangled in gillnet gear. We also believe that permits for Aquaculture must be considered in caps on vertical lines, as they too are known to entrap, injure, and kill both humpback and right whales. We therefore

recommend a cap on all fisheries in which vertical line is currently required, including trap/pot, gillnetting, and aquaculture.

It is our understanding that federal permit holders who hold only a lobster permit are not required to submit Vessel Trip Reports (VTR) and, therefore, data on the distribution and density of vertical lines, especially in offshore areas, are inadequate. According to the presentation provided to the ALWTRT on 9/18/2018, there appeared to be an increase in vertical lines in the Northeast region since the vertical line reduction rule was implemented. Even considering the possibility of a statistical error, there was no significant decrease detected from the implementation of the rule. Additionally, the Statistical Reporting Areas (SRAs) are currently too large to determine risk based on the very limited reporting. We recommend NMFS require vessels engaged in all fixed-gear fisheries in which vertical line is used be required to use VMS and/or AIS as well as submit VTRs. The vessel-specific data do not need to be made available to the public, but can provide NMFS the ability to evaluate distribution and density of lines from fisheries which pose risk to whales and assist NMFS in monitoring compliance with the TRP. These data can then be used as a baseline to work toward a meaningful reduction in vertical line use by at least 50% within five years.

- Increase the fisheries considered under the TRP, including those impacting humpback whales.

While primary focus of the TRPs has been on endangered North Atlantic right whales, it is important to note that humpback whales likely remain over PBR which, according to NMFS's most recent [Stock Assessment Report](#) (SAR), is 13. NMFS acknowledges the calculations by Robbins (2011, 2012) estimating that mortality rates for this stock may more likely average 25 each year, or nearly double the current PBR. Just this year, at least 17 humpback entanglements were reported to the Atlantic Large Whale Disentanglement Team, including both trap/pot and gillnet gear. Additionally, a 2018 mortality of a humpback entangled in gillnet during 2017 was reported. Of additional concern are the reports of at least 3 humpback whales entangled in herring seine gear and a mortality attributed to a menhaden fishery. As stated previously, aquaculture is known to seriously injury or kill large whales. The shifting habitats of prey bases and the interactions of large whales with fisheries (both mobile and fixed) must be addressed by NMFS particularly during a time in which NMFS has declared an Unusual Mortality Event for humpback, North Atlantic right, and minke whales.

- Increase the robustness of gear markings in all fixed-gear fisheries and increase efforts to identify gear removed from whales, including working with DFO gear

specialists to re-review all gear removed from large whales which has yet to be identified to a fishery.

NMFS has not determined the origin (to fishery or country) of the majority of gear documented on and/or removed from humpback or NA right whales. A better understanding of gear origin, particularly since 2010, can better define areas of high risk to the species. We ask that NMFS work with gear specialists in both the US and Canada to re-analyze gear documented on, or removed from, entangled large whales.

We also recommend more robust gear marking in the US to better define the region and fishery beyond the broad regional mandates which currently exist. We believe that unique gear markings for any exempted areas must be implemented, and that differences must be considered for sinking line that may be part of vertical line systems.

- Investigate the feasibility of fishing without vertical lines in trap/pot gear fisheries.

NMFS had determined that the highest risk of entanglement for large whales is in vertical line, but limited effort in the efficacy of fishing without vertical line has been investigated by NMFS. While limited experimentation has occurred privately, we believe NMFS must fund and secure areas where scientific experimentation of fishing without vertical line can be conducted.

While we support the experimentation of ropeless fishing during the Massachusetts Bay closure period, we oppose any testing to occur within the Cape Cod Bay restricted area as defined by MADMF during its extension of the closure in the spring of 2018 (see map below). This area is known to be of high use to right whales and therefore presents high risk of both entanglement and vessel strikes during an experimental fishery. We also strongly oppose any experimentation with grappling for gear that would allow any type of floating or buoyant groundline.



- Improve monitoring and enforcement of current regulatory measures.

Finally, NMFS must improve efforts to monitor and enforce regulatory measures associated with the TRPs, as well as those associated with the fishery itself.

C. What fisheries are affected by your proposal?

All fixed-gear fisheries using vertical line, and both mobile and fixed seine fisheries.

D. What is the practical outcome of your proposal (fewer vertical lines fished, seasonal or area reduction in lines, fewer strong lines fished, etc)?

Reduction in vertical lines, consideration of risk to right whales and humpback whales across all fisheries, identification of areas in which further measures may be warranted or additional fisheries may be considered, evaluation of current habitat use of large whales, and enhanced monitoring and enforcement of regulatory measures.